

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE
CAPITAL ONE TELEPHONE CONSUMER
PROTECTION ACT LITIGATION

Master Docket No. 1:12-cv-10064
MDL No. 2416

This document relates to:

BRIDGETT AMADECK, et al.,

Case No. 1:12-cv-10135

v.

CAPITAL ONE FINANCIAL CORPORATION,
and CAPITAL ONE BANK (USA), N.A.

This document relates to:

NICHOLAS MARTIN, et al.,

Case No. 1:11-cv-05886

v.

LEADING EDGE RECOVERY SOLUTIONS,
LLC, and CAPITAL ONE BANK (USA), N.A.

This document relates to:

CHARLES C. PATTERSON,

Case No. 1:12-cv-01061

v.

CAPITAL MANAGEMENT, L.P., and CAPITAL
ONE BANK (USA), N.A.

JEFFREY T. COLLINS,

Objector.

**OBJECTOR COLLINS' PROPOSED FIRST SET OF
INTERROGATORIES TO PLAINTIFFS**

PROPOUNDING PARTY: Objector Jeffrey T. Collins

RESPONDING PARTY: Plaintiffs Charles C. Patterson, David Mack, Tiffany Alarcon, Bridgett Amadeck, and Andrew Kalik

SET NUMBER: One

TO PLAINTIFFS AND THEIR COUNSEL OF RECORD:

Pursuant to the provisions of Federal Rule of Civil Procedure 33, Objector Jeffrey T. Collins requests that Plaintiffs answer the following interrogatories under oath and serve them upon Objector Collins within 30 days, pursuant to Federal Rule of Civil Procedure 33(b).

Definitions:

1. The terms “YOU”, “YOUR” and “RESPONDING PARTY” as used herein refer to RESPONDING PARTY as defined above, their successor(s) in interest, and includes all PERSONS acting or purporting to act on their behalf.

2. As used herein, the term “COUNSEL” means Lieff Cabraser Heimann & Bernstein, LLP, Meyer Wilson Co., LPA, Burke Law Offices, LLC, Williamson & Williams, Terrell Marshall Daudt & Willie PLLC, and Keogh Law, Ltd., and includes any natural person, firm, association, corporation, partnership, public entity, or other legal entity or organization separately identifiable, and any predecessor(s) in interest.

3. As used herein, the term “PERSON” or “PERSONS” means and includes any natural person, firm, association, corporation, partnership, public entity, or other legal entity or organization separately identifiable, and any predecessor(s) in interest.

4. As used herein, the term “TCPA ACTION” or “TCPA ACTIONS” means a civil action filed in any state or federal court which alleges a violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*; such definition shall include, but is not limited to actions

brought pursuant to Fed. R. Civ. Proc. 23. For purposes of this First Set of Interrogatories, TCPA ACTION is limited to those actions that were initiated on or after October 1, 2010.

5. As used herein, the term “LODESTAR AMOUNT” means the total number of hours worked on a case multiplied by the reasonable hourly billing rate for such service; such term also includes the specific dollar amount represented to a court as the “lodestar” or the amount represented to the court as the total attorneys’ fees incurred.

6. As used herein, the term “LODESTAR MULTIPLIER” means the number used to increase or decrease an attorneys’ fee award by multiplying the LODESTAR AMOUNT with the LODESTAR MULTIPLIER.

7. As used herein, the term “IDENTIFY” when referring to a TCPA ACTION means: (a) the names of the parties in the TCPA ACTION; (b) the name of the court in which the TCPA ACTION was or is pending and the corresponding case number; (c) the name(s) of the attorney(s) of record for the parties in the TCPA ACTION; (d) whether there was a class action settlement approved by the court in the TCPA ACTION and the date of such final approval; (e) whether there was a court award of attorneys’ fees in the TCPA ACTION and the date of such court award; and (f) whether there was an adverse disposition for plaintiffs in the TCPA ACTION and the date of such final disposition. At your option you may attach a copy of a docket sheet(s) and court order(s), in which case you may omit items (c) through (f) of the foregoing.

8. As used herein, the term “IDENTIFY” when referring to a LODESTAR AMOUNT means and includes (a) the identity of each legal professional whose service contributed to the total LODESTAR AMOUNT for a particular TCPA ACTION; (b) number of hours worked by each legal professional whose service contributed to the total LODESTAR AMOUNT for a particular TCPA

ACTION; and (b) the hourly rate for each legal professional whose service contributed to the total LODESTAR AMOUNT for a particular TCPA ACTION.

Instructions:

1. Respond to each interrogatory pursuant to the definitions and instructions.
2. State any objection to any interrogatory with specificity.
3. If you claim a privilege as a basis for not responding completely to an interrogatory or otherwise object to an interrogatory, describe the factual basis for your claim of privilege or other objection in sufficient detail to permit the Court to adjudicate the validity of the claim or objection.
4. These interrogatories shall be continuing, and you are required to file supplemental responses to each interrogatory in the event new or additional information is obtained or acquired.
5. The conjunctions “and” and “or” shall not be interpreted disjunctively to exclude any of the information requested.
6. You are to furnish all information in your possession and all information available to you and not merely such information as you know of your own personal knowledge. This includes information that is available to you, and your agents or representatives, including, but not limited to, your attorneys at law or in fact.
7. When an interrogatory requires you to identify a person, individual, or a witness, state that person’s name, address, and telephone number.
8. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, and the singular form shall be deemed to include the plural and vice-versa.

INTERROGATORIES

Interrogatory No. 1: Please IDENTIFY the LODESTAR AMOUNT that YOUR COUNSEL has incurred in these proceedings.

ANSWER:

Interrogatory No. 2: Please IDENTIFY all TCPA ACTIONS for which YOUR COUNSEL of record in these proceedings has been awarded attorneys' fees and/or litigation expenses, and for each such action, IDENTIFY:

- a. The LODESTAR AMOUNT and the LODESTAR MULTIPLIER requested to the court;
- b. The total amount of attorneys' fees awarded to YOUR COUNSEL and the LODESTAR MULTIPLIER, if any, used by the court;
- c. The total amount of litigation expenses requested by YOUR COUNSEL and the total amount of litigation expenses awarded to YOUR COUNSEL.

ANSWER:

Interrogatory No. 3: Please IDENTIFY all TCPA ACTIONS in which YOUR COUNSEL of record in these proceedings was unable to recover attorneys' fees due to an adverse ruling by the court in which such action was pending, and for each such action, IDENTIFY:

- a. The LODESTAR AMOUNT incurred by YOUR COUNSEL; and
- b. The total amount of litigation expenses incurred by YOUR COUNSEL.

ANSWER:

Dated: October __, 2014

/s/Melissa A. Holyoak

Melissa A. Holyoak
CENTER FOR CLASS ACTION FAIRNESS
1718 M Street NW, No. 236
Washington, DC 20036
Telephone: (573) 823-5377
Email: melissaholyoak@gmail.com

Attorneys for Objector Collins